

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LORI J. TAGUMA,

Plaintiff,

v.

LAWRENCE C. KAGIGEBI,

Defendant.

ORDER

13-cv-800-bbc

Plaintiff Lori J. Taguma has filed a complaint in which she alleges that she has been assaulted repetitively by defendant Lawrence C. Kagigebi, her ex-partner, and Latin Kings gang members have moved into the house next door to her and her mother on the Lac Courte Oreilles reservation and have shot at them, killed their dog and dealt drugs. Plaintiff says that she can get no help or protection from the tribal police; in fact, they have arrested her on charges fabricated by gang members. She adds that she has been denied due process by the tribal counsel and tribal court. She is seeking damages from defendant, who is employed as a tribal councilman, for the discrimination against her.

Plaintiff filed a claim relating to her allegations in this case with the Equal Employment Opportunity Commission, which closed its file on plaintiff because it lacked jurisdiction over her claim, but gave her a right to sue letter on September 13, 2013. She has been granted leave to proceed in forma pauperis in this court. Dkt. #3.

Although plaintiff complains of serious wrongs that she has suffered, her complaint lacks enough information to allow her to go forward on it. She seems to be complaining both that defendant beat her and that the tribal police did not take any action against him.

If plaintiff wants to sue defendant for his actions, she will have to explain exactly what he did to her and when he did it and why this court would have any jurisdiction to hear a case involving personal injury inflicted by defendant. Almost all cases involving battery (physical attacks by one person upon another), must be brought in either a state or tribal court. This is because federal courts are limited in the kinds of cases they can hear. They can hear only those cases that raise an issue of federal law, or are brought by a citizen of one state against a citizen of another state.

If plaintiff wants to sue the police officers who failed to respond to the attacks on her, she will have to amend her complaint and then identify the officers she called, the approximate times and dates on which she called them, what they did or did not do in response to her calls and why she thinks that their failure to help was based on discrimination. She cannot sue the tribe itself because Indian tribes have the common law immunity from suit possessed by other sovereign powers such as states. Santa Clara Pueblo v. Martinez, 436 U.S. 49, 58 (1978).

At this time, plaintiff's complaint must be dismissed for her failure to state a claim against defendant. However, I will give her three weeks, or until January 10, 2014, in which to file an amended complaint in which she explains in detail the actions or failure to act about which she is complaining and the persons who took those actions or failed to take

action and why this court would have jurisdiction to hear her case. If she does not file an amended complaint by February 10, 2014, this case will be closed.

If plaintiff is still being beaten or stalked by defendant and the tribal council will not take any action, she may want to take her concerns to the Federal Bureau of Investigation.

ORDER

IT IS ORDERED that the complaint filed by plaintiff Lori J. Taguma is dismissed because it fails to state a claim upon which relief may be granted in this court. Plaintiff may have until January 10, 2014, in which to file an amended complaint that complies with this order.

Entered this 23d day of December, 2013.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge